

## **REMARKS**

In response to the Office Action dated April 13, 2011, the Assignee respectfully requests reconsideration based on the above amendments and on the following remarks.

Claims 1, 3-18, 20-22, 25, 28-30, and 32 are pending in this application. Claims 2, 19, 23-24, 26-27, and 31 have been, or previously were, canceled without prejudice or disclaimer.

### **Rejection of Claims under § 103 (a)**

All pending claims 1, 3-18, 20-22, 25, 28-30, and 32 were rejected under 35 U.S.C. § 103 (a) as allegedly being obvious over U.S. Patent 7,212,979 to Matz in view of U.S. Patent 6,983,478 to Grauch, *et al.*

*Matz* and *Grauch*, however, cannot be cited against the pending claims. Documents that would qualify as “prior art” under 35 U.S.C. § 102 (e), 102 (f), or 102 (g) shall not preclude patentability when commonly owned at the time of invention, but, developed by another person. *See* 35 U.S.C. § 103 (c).

Here, both *Matz* and *Grauch* satisfy § 103 (c) and, thus, cannot be used to reject the pending claims. Both *Matz* and *Grauch* are U.S. patents with earlier effective filing dates and different inventive entities. *Matz*, *Grauch*, and this application were also commonly owned at the time of invention by the same assignee (namely, BellSouth Intellectual Property Corporation). The Assignee, then, respectfully asserts that *Matz* and *Grauch* cannot be cited against the pending claims. The Office is thus respectfully requested to remove the § 103 (a) rejection of these claims based on any combination involving *Matz* and *Grauch*.

If any issues remain outstanding, the Office is requested to contact the undersigned at (919) 469-2629 or [scott@scottzimmerman.com](mailto:scott@scottzimmerman.com).

**37 C.F.R. § 1.8 CERTIFICATE OF TRANSMISSION**

I hereby certify that this correspondence is being electronically transmitted via the USPTO EFS web interface on July 12, 2011.

A handwritten signature in black ink, appearing to read 'Scott P. Zimmerman', with a stylized flourish at the end.

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